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DATE FILED:

80 Chambers Street, 3rd Floor
New York, New York 10007

July 2, 2008

BY HAND

Honorable Kenneth M. Karas
United States District Judge
United States Courthouse
300 Quarropas Street, Room 533
White Plains, New York 10601-4150

Re: Vincent Terio v. John Loosen, Prosthetics Rep.,
VA Hudson Valley, 08 CV 5267 (KMK)

Dear Judge Karas:

This Office represents defendant John Loosen, an employee of the Department of Veterans Affairs ("VA"), in the above-referenced action. I write respectfully to request an extension of time to respond to plaintiff's June 16, 2008 motion to dismiss.

Plaintiff served a Small Claims Summons on John Loosen at the VA on or about May 10, 2008, which this Office removed to District Court on June 10, 2008. Pursuant to the Court's order of June 16, 2008, defendant must answer or move with respect to the complaint by July 31, 2008. On June 16, 2008, plaintiff filed a motion to dismiss, asserting that the Court does not have jurisdiction in this case. In order to promote efficiencies, the Government respectfully requests that it be permitted to file one brief addressing all issues. Accordingly, I respectfully request an extension of time to respond to plaintiff's motion, to July 31, 2008, the date by which the Government will file its motion to dismiss. I have been unable to contact plaintiff to obtain his consent as there is no phone number or street address on the Summons.

Thank you for your consideration.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

BY:

Susan C. Branagan
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SO ORDERED

[Signature]
KENNETH M. KARAS U.S.D.J.

cc: Vincent Terio, Pro Se
P.O. Box 131
Fishkill, New York 12524

*Denied as moot in light of
the Court's order of June 26, 2008.*